



DEPARTMENT OF ENERGY

FREEDOM OF INFORMATION PEOPLE'S MANUAL

2026

SECTION 1: OVERVIEW

- 1. Purpose of the Manual:** This Freedom of Information (FOI) Manual, hereinafter referred to as "Manual", serves as the primary guide for the Department of Energy (DOE), including its Bureaus, Services, and Offices, in processing information requests pursuant to Executive Order (EO) No. 2, series of 2016. (Annex "A")
- 2. Structure of the Manual:** This Manual establishes the rules and procedures to be followed by the DOE, including its Bureaus, Services, and Offices, when processing requests to access information. It outlines the specific roles and responsibilities of key personnel involved in carrying out the actions prescribed under this Manual.
- 3. Coverage of the Manual:** This Manual shall cover all requests for information submitted to the DOE.

SECTION 2: DEFINITION OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to an FOI request, pursuant to a written appeal filed by a requesting party who is dissatisfied with the initial determination of the FDM.

ANNUAL FOI REPORT. A report to be filed each year with the Presidential Communications Office (PCO) by all government agencies detailing its administration and implementation of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending before each government office.

EXCEPTIONS. Information that should not be released and/or disclosed notwithstanding an FOI request because it is protected by the Constitution, laws, or jurisprudence. This shall include the information listed under Annex "C-2" of this Manual (List of Exceptions).

FREEDOM OF INFORMATION (FOI). The right of the people to information on matters of public concern. This rights adopts and implements a policy of full public disclosure of all transactions involving public interest, subject to the procedures and limitations provided in EO No. 2, series of 2016. This right indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making.

foi.gov.ph. The website that serves as the government's comprehensive virtual repository for all information on the FOI. It provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available.

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. An FOI request can generally be made by any Filipino to any government office.

FRONTLINE SERVICE. Refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit,

reward, license, concession, or for any modification, renewal, or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the office or agency concerned.

DENIAL. When a government office cannot release a record in response to an FOI request, because, for example, the requested information is exempt from disclosure or no records responsive to the request could be located. The denial of an FOI request may be full or partial, as determined by the FOI Decision Maker.

GRANT. When a government office is able to disclose the records in response to an FOI request. The grant of an FOI request may be full or partial, as determined by the FOI Decision Maker.

INFORMATION. Any records, documents, papers, reports, letter, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stores or archived in whatever format, whether offline or online, which are made, received or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

OFFICIAL RECORD/S. Information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

OPEN DATA. Publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

PERSONAL INFORMATION. Any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post a vast amount of material concerning their functions and mission on their websites.

PUBLIC RECORDS. Information expressly required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

REFERRAL. When a government office locates a record that originated from, or is of otherwise primary interest to another agency, it will forward that record to the concerned agency to process the record and to provide the final determination directly to the requesting party.

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer to personal information:

1. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;

2. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
3. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
4. Specifically established by an executive order or an act of Congress to be kept classified.

WORKING DAY. Is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines.

SECTION 3. FOI ORGANIZATION

1. **FOI Champion:** The FOI Champion shall be the Head of the Agency or his/her duly designated Undersecretary. The functions of the FOI Champion shall include the following:
 - a. Oversee the efficient and effective implementation of this Manual;
 - b. Designate qualified personnel as FOI Receiving Officers and FOI Decision Makers;
 - c. Supervise, lead, and direct the creation and operationalization of the FOI Governance Committee of the DOE; and
 - d. Represent the DOE in activities and engagements dealing with FOI policy matters.
2. **FOI Receiving Officers (FRO):** The FRO shall refer to the person receiving and recording the FOI Request. There shall be two (2) (FROs) who shall hold office at the Energy Center, Rizal Drive, Bonifacio Global City, Taguig City.

The functions of the FRO shall be as follows:

- a. Receive, monitor and track on behalf of the DOE, all FOI requests and administrative appeals;
- b. Conduct initial evaluation on the completeness of the requirements of the FOI request;
- c. Forward all FOI requests to the appropriate unit who has custody of the records;
- d. Coordinate and provide assistance to the FAO as necessary to complete to the FOI request;
- e. Prepare FOI requirements, including compiling statistical information on the number of FOI requests and appeals received, processed, and pending, as well as any other information that may be required by the PCO;
- f. Attend FOI related activities and engagements as necessary; and
- g. Perform all other functions as may be required by the FOI Champion or FAO.

- 3. FOI Decision Maker (FDM):** The FDM shall refer to the officer granting or denying the FOI request. There shall be an FDM for each Bureau, Service, or Office with a rank of not lower than a Director. In offices where no Director position exists, the FDM may be designated by the FOI Champion among officials holding a rank not lower than a Division Chief.

The functions of the FDM shall include the following:

- a. Conduct an evaluation on the FOI request and grant or deny the request
 - b. Coordinate with the FAO in providing a response to the requesting party;
 - c. In cases where the FDM is on official leave, the designated Officer-in-Charge shall perform the functions of the FDM; and
 - d. Perform all other functions as may be required by the FOI Champion.
- 4. FOI Action Officer (FAO):** The FAO shall refer to the person processing the FOI request. There shall be a designated FAO by the FDM per Bureau/service/office, who are holding plantilla or permanent positions. The functions of the FAOs shall include the following:
- a. Coordinate with FROs on FOI matters;
 - b. Determine whether their respective office has custody of the requested information;
 - c. Prepare records/information requested;
 - d. Refer the request to other offices as may be appropriate;
 - e. Draft a response;
 - f. Assist the FDM in navigating the eFOI Portal and in responding to the requests;
 - g. Ensure that the period to reply to the said request is within the prescribed period as provided under EO No. 2, s. 2016;
 - h. Ensure that the FOI Feedback Form is attached in the response to the request; and
 - i. Perform all other functions as may be required.
- 5. FOI Focal Person (FFP):** The Division Chief of the Information and Data Management Division (IDMD) and his/her alternate shall be designated as FFP. The functions of the FFP shall include the following:
- a. Coordinate with the Presidential Communications Office (PCO) on any matters related to EO No. 2, s. 2016; and
 - b. Supervise the FROs in the monitoring of requests and appeals, as well as in the preparation of FOI requirements for compliance;
 - c. Perform all other functions as may be required.

- 6. FOI Governance Committee:** The FOI Governance Committee (FGC), which shall, along with other duties provided under the DOE FOI Manual, evaluate and review decisions of the FDMs on FOI Requests, as well as provide expert advice to the FOI Champion, is hereby constituted, and shall be composed of the following:

Chairperson	Undersecretary
Vice-Chairperson	Assistant Secretary
Members	All FOI Decision Makers

The functions of the FGC shall include the following:

- a. Monitor the agency's FOI performance;
- b. Attend FOI related events;
- c. Convene the FOI Organization to discuss updates and developments related to FOI matters;
- d. Act as resource persons on agency FOI matters; and
- e. Review of appeals submitted by an FOI requestor concerning FOI requests.

A person whose FOI Request has been denied by the FDM may appeal said denial to the DOE FGC within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

The FDM with supervisory authority over the concerned office shall be included in the appeals process. The appeal shall be decided by the FOI Champion upon the recommendation of the FSC within thirty (30) working days from the filing of the written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

SECTION 4. PROTECTION OF PRIVACY

While providing access to information, public records, and official records, the DOE shall afford full protection to the right to privacy of an individual, as follows:

- a. The DOE shall ensure that personal information in its custody or under its control is disclosed only as permitted by existing laws;
- b. The DOE shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, FAO or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the DOE, shall not disclose that information except as authorized by existing laws.

If the FDM considers that any or all the information sought should not be released in full or in part, the FDM should review guidelines available in the inventory of exceptions to the EO and apply as appropriate.

Best practices, such as redaction and extraction, can be used to balance the disclosure of information with the protection of personal information when a document is disclosed. Redaction is the process of ensuring that sensitive information is unreadable before disclosing to the requesting party. On the other hand, extraction is the process of separating/isolating specific information from a set of data.

SECTION 5. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** The DOE shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, and through their website, timely, true, accurate and updated key agency information including, but not limited to:

- a. A description of its mandate, structure, power, functions, duties and decision-making processes;
 - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
 - e. Important rules and regulations, orders or decisions;
 - f. Current and important database and statistics that it generates;
 - g. Bidding processes and requirements; and
 - h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
2. **Plain Language.** There is a need to ensure that plain language is used wherein the requesting party can easily understand the response to an FOI request.
3. **Keeping of Records.** The DOE shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedure, operations, activities, communications and documents received or filed with them and the data generated or collected.

SECTION 6. STANDARD PROCEDURE (See Annex "D" for flowchart)

1. Receipt of Request for Information.

- a. The FRO shall receive the FOI request from the requesting party and check compliance with the following requirements:
 - i. The FOI request must be in writing;
 - ii. The FOI request shall state the name and contact information of the requesting party, as well as provide valid proof of identification with photo (e.g. company ID or any government issued ID) or authorization; and
 - iii. The FOI request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.
- b. FOI requests can be submitted personally, or via email, postal service, and other electronic means.
 - i. An FOI request may be transmitted through email by attaching the completed FOI request form (See Annex "E") and a scanned copy of the requesting party's proof of identification with his/her photo, to the FRO's designated email address (See Annex "B"). The subject of the email should reasonably specify that it is in the nature of an FOI Request.
 - ii. In case an FOI request is made through telephone call or via social media platforms, the FRO shall instruct the requesting party to submit a written

request with the complete requirements as provided above, in compliance with EO No. 2, s. 2016.

- iii. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he/she may make an oral request, and the FRO shall reduce it in writing.

- c. **Acknowledgment.** All FOI requests shall be stamped "received" by the FRO, indicating the date and time of the receipt thereof, and the name, rank, title and position of the FRO who received it, with a corresponding signature. A copy of the stamped and signed FOI request shall be furnished to the requesting party.

In case of FOI requests transmitted via email, the FOI request attached to the email shall be printed out by the FRO. Thereafter, the printed FOI request shall be stamped and signed in the same manner as FOI request received personally by the FRO. A scan of the stamped and signed FOI request shall be transmitted in an acknowledgment email to the requesting party.

The FRO shall input the details of the request on the FOI Request Form and allocate a reference number.

- d. The DOE or any of its Bureaus, Services and Offices must respond to requests promptly, within fifteen (15) working days following the date of receipt of the request.

The date of receipt of the request will be either:

- i. The day on which the request is physically or electronically delivered to the FRO; or
- ii. If the government office has asked the requesting party for further details to identify and locate the requested information, then the fifteen (15) working days will commence on the day on which the FRO received the required clarification from the requesting party.
- iii. Where the request has been emailed to an absent FRO, and this has generated an 'out of office' message with instructions on how to re-direct the message to the other FRO, the date of receipt will be the day the request arrives in the inbox of that FRO.

2. Initial Evaluation. After receipt of the FOI request, the FRO shall evaluate the completeness of the required documents and the validity of the request. Among others, the FRO shall consider the following: (a) if the request complies with the requirements under EO No. 2, s. 2016 and this Manual; (b) if the records sought are likely to be within the custody of the DOE, its Bureaus, Services, or Offices; (c) if the requested information is already available online; and (d) if the request is identical or substantially similar to a previous request by the same requesting party.

- a. **Requested information is not in the custody of the DOE or any of its Bureaus, Services and Offices:** In adherence to FOI Memorandum Circular No.

21-05 otherwise known as the "No Wrong Door Policy for FOI", if the requested information is not in the custody of the DOE or any of its units, the FRO shall undertake the following process:

First Referral

- i. The requested information shall be referred to another government agency (government agency no. 2 or GA2) under the Executive Branch where the information is available through the most expeditious manner, and not exceeding three (3) working days from the receipt of the FOI request. This shall be considered the "First Referral" and a fresh start to the fifteen (5) working day period shall apply upon the receipt by GA2.
- ii. If the DOE fails to refer the request within three (3) working days upon its receipt of the FOI request, the FRO shall act on it on behalf of GA2 within the remaining period to respond pursuant to EO No. 02,s. 2016. In this case, no fresh period shall apply.
- iii. If the DOE, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

Second Referral

- i. GA2 may subsequently refer the request to another government agency (GA3) under the same procedure used for the First Referral. Likewise, a fresh fifteen (15) working day period shall apply upon receipt by GA3.
- ii. Referrals shall only be limited to two (2) subsequent transfers.

In all cases, a written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred. The requesting party shall be advised accordingly and provided contact details of the government office where the request was referred.

Furthermore, the "No Wrong Door Policy for FOI" is applicable to Government to Government transactions only. Inter-agency transactions are not covered.

- b. **Request relating to more than one office under the DOE:** If an FOI request requires action by multiple Bureaus, Services, and Offices within the DOE, the FRO shall forward the request to the respective FAO of the concerned unit. The FRO shall likewise coordinate with the FAOs to ensure that each unit provides only the specific information within its respective mandate, functions, and scope of responsibility.
- c. **Requested information is already posted and available online:** If the information being requested is already posted and publicly available in the DOE website, data.gov.ph, or foi.gov.ph, the FRO shall inform the requesting party of the fact and provide them with the website link where the information is posted.

- d. **Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requestor, the FOI request shall be denied. However, the FRO shall inform the applicant of the reason for such denial.
 - e. Requested information is unreasonable or vexatious: For purpose of this Manual, an FOI request shall be deemed unreasonable if, among others:
 - i. The requesting party is not acting good faith or for a legitimate purpose in making the request;
 - ii. The requesting party is already in possession of the requested information of records;
 - iii. The FOI request is a nuisance or prejudicial to the efficient and effective implementation of the DOE's statutory mandate;
 - iv. The requested information falls under the exceptions provided under the Constitution, law or jurisprudence; or
 - v. The requested information falls under the List of Exception under this Manual or otherwise classified as confidential.
 - f. **Information outside the FOI Program.** If the information requested falls outside the scope of the FOI Program, the FRO should advise the requesting party that the information or services may be provided through other platforms and cannot be counted as an FOI request.
- 3. Transmittal of Request by the FRO to the FDM:** After receipt and evaluation of the FOI request by the FRO, the copy of the request shall be forwarded to the concerned FDM within three (3) days from receipt of the written request. The FRO shall record the date, time, and name of the FDM who received the request in a FOI Request Form with the corresponding signature or acknowledgement receipt of the FOI request.
- 4. Role of FDM in processing the request:** The Director of the concerned office shall be the FDM for FOI requests. He/She shall instruct the FAO to gather data and draft a response. He/She shall review the draft response provided by the FAO and evaluate whether the information/records may be disclosed before making any final decision.
- 5. Role of the FAO in gathering data.** Upon receipt of the FOI request, the FAO shall determine whether their respective office has custody of the requested information, and prepare records/information requested. The FAO shall also prepare a draft/initial response for the final determination by the FDM.
- 6. Role of FAO to transmit the information to the requesting party:** Upon receiving clearance from the FDM, the FAO shall collate and ensure that the information is complete. He/she shall either:

- a. attach a cover / transmittal letter signed by the FDM or his/her alternate; or
- b. respond using the templated message in the eFOI Portal.

The FAO shall ensure that the response is transmitted to the requesting party within fifteen (15) working days upon receipt of the request for information.

The FAO shall attach the FOI Feedback Survey Form with their response.

- 7. Request for an extension of time:** If the information requested requires extensive search of the DOE's records, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM shall prepare a request for extension setting forth the reasons in writing. The FAO shall inform the FRO of such an extension.

The FAO shall inform the requesting party of the extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

- 8. Awaiting clarification.** Should the requested information require further details to conclude resolution, the FRO or FAO shall advise the requesting party and request additional information needed to clarify the FOI request. The 15-working day period will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the Requesting Party after sixty (60) calendar days, the request shall be deemed as "closed" and no further action needed on the part of the agency.

- 9. Notice to the requesting party of the approval/denial of the request:** Once the FDM has approved or denied the request, the FAO shall prepare a response informing the requesting party of such action. All response letters on FOI requests, whether approval or denial, shall pass through the FAO to immediately notify the Requesting Party.

a. Approval of request: In case of approval, the FDM shall ensure that all records that have been retrieved and considered are checked for possible exemptions, prior to actual release. The FAO shall prepare the response, either in letter form or through the eFOI Portal, informing the requesting party within the prescribed period that the request was granted. The requesting party shall be directed to pay the applicable fees, if any.

b. Denial of request: In case of denial of the request wholly or partially, the FAO shall prepare the response, either in letter form or through the eFOI Portal, clearly stating the ground/s for denial and/or circumstances on which the denial is based.

The FAO shall, within the prescribed period, notify the requesting party of the denial.

SECTION 7. REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail himself/herself of the remedy by filing an Administrative FOI Appeal to the DOE FOI Governance Committee (FGC) following the procedures below:

- a. Denial of a request may be appealed by filing a written appeal to the DOE FGC within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
- b. The appeal shall be decided by the FOI Champion upon the recommendation of the DOE FGC within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
- c. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 8. FEES

1. **No Request Fee:** The DOE shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying, and/or Delivery of the Information:** If the requesting party requires a physical copy of the information requested, the FRO shall immediately notify the requesting party of the reproduction and copying fee. Such fee shall be the actual amount spent by the DOE in providing the information to the requesting party. The schedule of fees shall be posted by the DOE.
3. **Exemption from Fees:** The DOE may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 9. ADMINISTRATIVE LIABILITY

Any DOE officer or employee who is found to have failed to comply with the prescribed processing time under this Manual shall be liable for the following administrative penalties:

- a. 1st Offense – Suspension of six (6) months
- b. 2nd Offense – Dismissal from the service

Procedure. The DOE rules on administrative cases for Third Level Positions (Department Order No. DO2023-12-0026) or Second-Level and First-Level Positions (Department Order No. DO2023-05-0016) shall be applicable in the disposition of cases under this Manual.

Provisions for More Stringent Laws, Rules, and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by the DOE or any other competent authority, which provides for more stringent penalties.

APPROVAL

This Freedom of Information Manual was signed and approved on the _____ day of January 2026 by:

30 JAN 2026

A handwritten signature in black ink is written over a faint, circular official stamp. The stamp contains the text "DEPARTMENT OF ENERGY" and "OFFICE OF THE SECRETARY".

SHARON S. GARIN
Secretary
Department of Energy



ANNEX "A"

EXECUTIVE ORDER NO. 02, s. 2016

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive AGENCYS, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other

tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, AGENCYs, bureaus, offices, and instrumentalities, including government- owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence. The AGENCY of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the AGENCY of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office, which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;

- (c) The procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and,
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exception contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:
(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

ANNEX "B"

FOI Officers of the DEPARTMENT OF ENERGY

DOE-FOI RECEIVING OFFICERS

Nida B. Obusan

Administrative Officer V
Information and Data Management Division
8712-3966 and/or Trunkline 8479-2900 local 411

Joyanne Faye A. Reyes

Administrative Officer III
Information and Data Management Division
Trunkline 8479-2900 local 203

doermd.foi@gmail.com

Ground Floor., DOE Bldg., Energy Center
Rizal Drive cor. 34th Street Bonifacio Global City, Taguig City, Metro Manila

DOE-FOI DECISION MAKERS

Name of Bureau / Service / Office	Location of FOI Decision Maker	Contact Details	Assigned FOI Decision Maker
Energy Resource Development Bureau (ERDB)	Basement, Data Bank Lobby, Energy Center, Rizal Drive cor. 34 th St., Bonifacio Global City, Taguig City	8840-2068 erdb.foi@gmail.com	Nenito C. Jariel, Jr.
Renewable Energy Management Bureau (REMB)	2 nd Floor Bldg. 5 Energy Center Rizal Drive cor. 34 th street Bonifacio Global City, Taguig City Metro Manila	8840-2268 foi.doeremb@gmail.com	Marissa P. Cerezo
Energy Utilization Management Bureau (EUMB)	3 rd Flr. DOE Bldg. Energy Center Rizal Drive cor. 34 th street Bonifacio Global City, Taguig City Metro Manila	8840-2289 eumb.foi@gmail.com	Patrick T. Aquino

Name of Bureau / Service / Office	Location of FOI Decision Maker	Contact Details	Assigned FOI Decision Maker
Energy Policy and Planning Bureau (EPPB)	4 th Flr., PNOC Bldg. V, Energy Center Rizal Drive cor. 34 th street Bonifacio Global City, Taguig City Metro Manila	8840-2288 eppb.foi@gmail.com	Michael O. Sinocruz
Oil Industry Management Bureau (OIMB)	3 rd Flr. PNOC Bldg. 5 Energy Center Rizal Drive cor. 34 th street Bonifacio Global City Taguig City, Metro Manila	8840-2114 oimb.foi@gmail.com	Rino E. Abad
Electric Power Industry Management Bureau (EPIMB)	4 th Flr. DOE Bldg. Energy Center Rizal Drive cor. 34 th street Bonifacio Global City, Taguig City Metro Manila	8840-2120 epimb.foi@gmail.com	Luningning G. Baltazar
Legal Services (LS)	Legal Services Multi-Purpose Bldg. Energy Center Rizal Drive cor. 34 th St. Bonifacio Global City Taguig City, Metro Manila	8840-2273 doels.foi@gmail.com	Rowena Joyce A. Delos Santos
Energy Research Testing and Laboratory Services (ERTLS)	4 th Bldg. Energy Center Rizal Drive, Bonifacio Global City Taguig City, Metro Manila	8840-2093 ertls.foi@gmail.com	Amelia M. de Guzman
Information Technology and Management Services (ITMS)	Ground Flr., Data Bank Lobby, Energy Center Rizal Drive cor. 34 th St. Bonifacio Global City, Taguig City, Metro Manila	8840-2231 itms.foi@gmail.com	Paolo G. Fondevilla

Name of Bureau / Service / Office	Location of FOI Decision Maker	Contact Details	Assigned FOI Decision Maker
Financial Services (FS)	2 nd Flr. DOE Bldg. Energy Center Rizal Drive corner 34 th Street Bonifacio Global City Taguig City, Metro Manila	8840-2261 doefs.foi@gmail.com	Clarita M. Garcia
Administrative Service (AS)	Ground Floor, Main Bldg. Energy Center Rizal Drive cor. 34 th street Bonifacio Global City Taguig City, Metro Manila	8840-2227 foias.doe@gmail.com	Elisa B. Morales
Luzon Field Office (LFO)	Government Center, Nueva Vizcaya Road, Brgy. Carmay East, Purok 06, Rosales, Pangasinan 2441	(075) 656-0114 doelfo.foi@gmail.com	Ricardo B. Dela Cruz
Visayas Field Office (VFO)	3rd Floor, Escario Building, 731 Escario Street, 6000, Cebu City	(038) 253-7222 doevfo.foi@gmail.com	Renante M. Sevilla
Mindanao Field Office (MFO)	3rd Flr., Tolentino 2020 Bldg., Candelaria Ave., Matina, Ecoland, Davao City	(082) 224-22-31 doemfo.foi@gmail.com	Nilo J. Geroche
Investment Promotion Office (IPO)	3 rd Flr., PNOC Bldg. V, Energy Center Rizal Drive cor. 34 th street Bonifacio Global City Taguig City, Metro Manila	8479-2900 loc 371 foidoeipo@gmail.com	Hazel Jeanne O. Vicencio

Name of Bureau / Service / Office	Location of FOI Decision Maker	Contact Details	Assigned FOI Decision Maker
Consumer Welfare and Promotion Officer (CWPO)	2 nd Flr., Annex Building, Energy Center Rizal Drive cor. 34 th street Bonifacio Global City Taguig City, Metro Manila	8479-2900 local 255 cwpo.foi@gmail.com	Genesis A. Ramos
Internal Audit Division (IAD)	Ground Floor, DOE Old Bldg., Energy Center Rizal drive cor. 34 th Street Bonifacio Global City Taguig City, Metro Manila	8840-20-76 doeiad.foi@gmail.com	Salvacion S. Torres

DOE-FOI ACTION OFFICERS

Bureau / Service / Office	Designated FOI Action Officer
Energy Resource Development Bureau (ERDB)	Maria Elised G. Vargas
Renewable Energy Management Bureau (REMB)	Ma. Cristina P. Velasco
Energy Utilization Management Bureau (EUMB)	Anita Lourdes P. Ornillo
Energy Policy and Planning Bureau (EPPB)	Jovee Rose B. Jandusay
Oil Industry Management Bureau (OIMB)	Jovy A. Seasol
Electric Power Industry Management Bureau (EPIMB)	Michelle Ann P. Mingo
Legal Services (LS)	Atty. Maria Christine C. Gotera
Energy Research Testing and Laboratory Services (ERTLS)	Beverly Syvel Elcamel
Information Technology and Management Services (ITMS)	Marchan Rey H. Armario
Financial Services (FS)	Karl Renzo A. Cansas
Administrative Service (AS)	Andre Nicole I. Osdon
Luzon Field Office (LFO)	Zorraida C. Del Rosario
Visayas Field Office (VFO)	Renelyn Estiya
Mindanao Field Office (MFO)	Rocelyn P. Mascariñas
Investment Promotion Office (IPO)	Julie-Anne C. Sernal
Consumer Welfare and Promotion Office (CWPO)	Rhea Lyn Irah L. Quimado
Internal Audit Division (IAD)	Apple Mae A. Aguipo

ANNEX “C-1”

<Please see attached Memorandum Circular No. 15, series of 2013>

**Office of the President
of the Philippines
Malacañang**

MEMORANDUM CIRCULAR NO. 15

**UPDATING THE INVENTORY OF EXCEPTIONS TO THE RIGHT TO
ACCESS OF INFORMATION UNDER EXECUTIVE ORDER NO. 02, (S. 2016)**

WHEREAS, pursuant to Section 4 of Executive Order (EO) No. 02, (s. 2016), the Office of the President (OP) issued a Memorandum circularizing the inventory of exceptions to the right to access information under EO No. 02 (Inventory of Exceptions) on 24 November 2016;

WHEREAS, Section 4 of EO No. 02 directs the Department of Justice (DOJ) and the Office of the Solicitor General (OSG) to update the Inventory of Exceptions as the need to do so arises and the OP to accordingly circularize the same;

WHEREAS, Section 1 of Memorandum Circular (MC) No. 49, (s. 2018), created the Inter-Agency Freedom of Information Exceptions Policy Committee (IA-FOI-EPC), with the DOJ and the OSG as co-chairs, to review the Inventory of Exceptions and periodically update the same to reflect changes in existing laws and jurisprudence;

WHEREAS, On 16 September 2021, MC No. 89, (s. 2021) was issued circularizing the updated Inventory of Exceptions;

WHEREAS, the IA-FOI-EPC, through IA-FOI-EPC Resolution Nos. 2021-002 and 2022-001, proposed further updates to the Inventory of Exceptions;

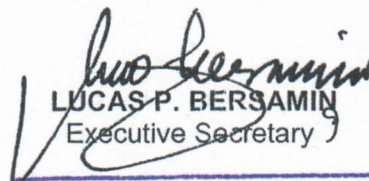
NOW THEREFORE, the attached updated Inventory of Exceptions is hereby circularized for the guidance of all government offices and instrumentalities covered by EO No. 02 and the general public.

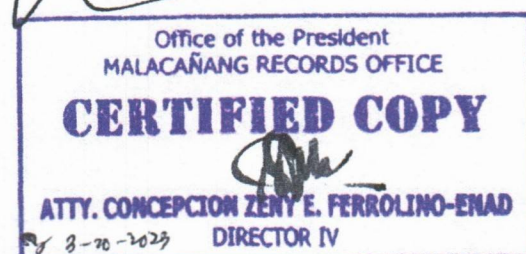
The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

DONE, in the City of Manila, this ~~17th~~ day of March in the Year of our Lord, Two Thousand and Twenty-Three.

By authority of the President:


LUCAS P. BERSAMIN
Executive Secretary



Exceptions to Right to Access of Information

For the guidance of all government offices and instrumentalities covered by EO No. 02 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

¹ These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;² and
 - b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations, resolutions, minutes of meetings, and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;⁵

² This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

³ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*; *Serenio v. Committee on Trade and Related Matters of the National Economic Development Authority*, G.R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.

⁴ Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

⁵ *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; *Lagman v. Medialdea*, G.R. Nos. 231658, 231771, and 231774, 4 July 2017, 812 PHIL 179-853; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted." This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, *The Anti-Terrorism Act of 2020* [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.

- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and
 - c. Patent applications, the publication of which would prejudice national security and interests;⁷
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;⁸
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;⁹
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹⁰
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²

⁶ *Akbayan v. Aquino, supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

⁷ The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

⁸ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

⁹ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

¹⁰ Section 3(b), Rule IV, Rules on CCESPOE.

¹¹ Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

¹² Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:¹⁸

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) specifically established by an executive order or an act of Congress to be kept classified.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the

¹³ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁴ Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers. This includes information collected pursuant to Section 18 of the *Department of Migrant Workers Act* (RA No. 11641).

¹⁵ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

¹⁶ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

¹⁷ Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange); Section 9, *Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act* (RA No. 11332); Section 36, *Universal Health Care Act* (RA No. 11223); Section 28, *National Integrated Cancer Control Act* (RA No. 11215); and Section 5(l), *Mental Health Act* (RA No. 11036). Mental health records under RA No. 11036 include information on any aspect of the mental health, treatment, or care of the service user.

¹⁸ Section 3(l), *Data Privacy Act of 2012*. See also Section 9, *Free Internet Access in Public Places Act* (RA No. 10929); Section 26, *Safe Spaces Act* (RA No. 11313); and Section 21, *Tax Amnesty Act* (RA No. 11213).

individual¹⁹ and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²⁰

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;²¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;²³
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁴
 - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;²⁵
 - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;²⁶
 - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address,

¹⁹ Article 26(2), *Civil Code*.

²⁰ Section 11, *Data Privacy Act of 2012*.

²¹ Section 4, *Data Privacy Act of 2012*.

²² *An Act Expanding the Coverage of Exemptions from Revealing the Source of Published News or Information Obtained in Confidence by Including Journalists from Broadcasts, and News Agencies, Amending for the Purpose Section 1 of RA No. 53, as Amended By RA No. 1477 (RA No. 11458)*. May be invoked by government newspapers.

²³ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁴ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

²⁵ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁶ Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

- employer, or other identifying information of a victim or an immediate family member;²⁷
- (6) records of cases and documents involving actions for support including petitions for recognition and enforcement of foreign decisions or judgments on support;²⁸
 - (7) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁹
 - (8) names of victims of child abuse, exploitation or discrimination;³⁰
 - (9) cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;³¹
 - (10) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³²
 - (11) records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;³³
 - (12) names of students who committed acts of bullying or retaliation;³⁴
 - (13) children in situations of armed conflict;³⁵
 - (14) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended;³⁶ and

²⁷ Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

²⁸ Sections 29 and 30, A.M No. 21-03-02-SC, *Re: Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support*.

²⁹ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

³⁰ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

³¹ Section 26, *Safe Spaces Act* (RA No. 11313).

³² Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

³³ Section 39, *Domestic Administrative Adoption and Alternative Child Care Act* (RA No. 11642); Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043; Section 14, *Simulated Birth Rectification Act* (RA No. 11222) and Section 28 of IRR of RA No. 11222.

³⁴ Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³⁵ Section 19, *Special Protection of Children in Situations of Armed Conflict Act* (RA No. 11188).

³⁶ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

(15) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing.³⁷

5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁸
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority;³⁹
 - c. Records and reports submitted to the Social Security System by the employer or member;⁴⁰
 - d. Information of registered persons with the Philippine Identification System;⁴¹
 - e. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities;⁴²

³⁷ Section 44, *Philippine HIV and AIDS Policy Act* (RA No. 11166). Information covered by Section 44 may be disclosed with the written consent of the affected person or in accordance with Sections 45 and 46 of RA No. 11166.

³⁸ Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); *Revised Philippine Ports Authority Manual of Corporate Governance*; Section 18, *Energy Virtual One-Stop Shop Act* (RA No. 11234); Section 14, *Philippine Energy Research and Policy Institute Act* (RA No. 11572); Section 270, *National Internal Revenue Code* (RA No. 8424, as amended by RA No. 10963); and Section 33, *LPG Industry Regulation Act* (RA No. 11592).

³⁹ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625) and Section 4, *Commonwealth Act No. 591*. See also Section 10, *Community-Based Monitoring System Act* (RA No. 11315).

⁴⁰ Section 24(c), *Social Security Act of 1997* (RA No. 1161), as amended by RA No. 8282).

⁴¹ Section 17, *Philippine Identification System Act* (RA No. 11055).

⁴² Section 43, *Philippine HIV and AIDS Policy Act* (RA No. 11166).

- f. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;⁴³
- g. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴⁴
- h. Documents submitted through the Government Electronic Procurement System;⁴⁵
- i. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;⁴⁶
- j. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴⁷
- k. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁴⁸
- l. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;⁴⁹
- m. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁵⁰
- n. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁵¹

⁴³ Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

⁴⁴ Section 81, EO No. 226 (s. 1987), as amended.

⁴⁵ Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴⁶ Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴⁷ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

⁴⁸ Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

⁴⁹ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁵⁰ Section 10, *Safeguard Measures Act*.

⁵¹ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

- o. Information on registered cultural properties owned by private individuals;⁵²
 - p. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵³
 - q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁴
 - r. Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation;⁵⁵ and
 - s. Records of surveillance of suspects and interception and recording of communications acquired by a law enforcement agent or military personnel pursuant to the *Anti-Terrorism Act of 2020*.⁵⁶
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except where such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵⁷
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

⁵² Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁵³ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁴ Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

⁵⁵ Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

⁵⁶ Section 16, *The Anti-Terrorism Act of 2020* (RA No. 11479).

⁵⁷ Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵⁸
- b. Matters involved in an Investor-State mediation;⁵⁹
- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁶⁰
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶¹
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁶²
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁶³
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁶⁴
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁶⁵
- i. Investigation report and the supervision history of a probationer;⁶⁶
- j. Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;⁶⁷

⁵⁸ Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁵⁹ Article 10, International Bar Association Rules for Investor-State Mediation.

⁶⁰ Article 237, *Labor Code*.

⁶¹ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶² Section 178, *Revised Corporation Code of the Philippines*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁶³ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁶⁴ Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

⁶⁵ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁶ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶⁷ Sections 18 and 45, *The Anti-Terrorism Act of 2020* (RA No. 11479) and Rules 5.8 and 5.19 of the IRR of RA No. 11479.

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶⁸
 - l. Investigation proceedings and records during the preliminary investigation in administrative cases in the civil service;⁶⁹
 - m. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁷⁰ and
 - n. Information on a bank inquiry orders issued by the Court of Appeals, including its contents and its receipt.⁷¹
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*), as amended by RA No. 11521;
 - e. RA No. 9510 (*Credit Information System Act*); and
 - f. RA No. 245, as amended by Presidential Decree No. 1878;
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:

⁶⁸ Section 14, Civil Service Commission (CSC) Resolution No. 01-0940.

⁶⁹ Section 21, 2017 Rules on Administrative Cases in the Civil Service, CSC Resolution No. 1701077.

⁷⁰ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC; and Section 26 of the Rule on Facilitated Naturalization of Refugees and Stateless Persons, A.M. No. 21-07-22-SC.

⁷¹ Section 16, A.M. No. 21-03-5-CA, *Re: Rule of Procedure in Cases of Bank Inquiry into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or a Money Laundering Offense under Republic Act No. 9160, as Amended*.

- (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁷²
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁷³ and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;⁷⁴
 - c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁷⁵
 - d. Failure to comply with regulations on access of records imposed by the records custodian;⁷⁶
 - e. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁷⁷
 - f. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁸

⁷² Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

⁷³ Article 7, UNCITRAL Transparency Rules.

⁷⁴ *Senate v. Neri, supra; Senate v. Ermita, supra.*

⁷⁵ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees*.

⁷⁶ *Biraogo v. Ombudsman Martires*, G.R. No. 254516, 02 February 2021.

⁷⁷ *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁷⁸ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; Section X808 of Bangko Sentral ng Pilipinas Circular No. 706, s. 2011; Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor*

- g. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁹ and
- h. Attorney-client privilege existing between government lawyers and their client.⁸⁰

A. Reyes, G.R. No. 163155, 21 July 2006; and Questionnaires in the Professional Regulation Commission test banks, pursuant to *Antolin-Rosero v. Professional Regulation Commission*, G.R. No. 220378, 30 June 2021.

⁷⁹ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁸⁰ Canon 21 of the *Code of Professional Responsibility*.

ANNEX “C-2”

LIST OF EXCEPTIONS

ENERGY RESOURCE DEVELOPMENT BUREAU (ERDB)

1. All information/data/reports covered by the “Confidentiality Clause: of the Coal Operating Contracts and Petroleum Service Contracts.
2. All provisions related to the trade, industrial, financial or commercial secrets of the company which are proprietary and confidential in nature.
3. Details of the evaluation process and their corresponding internal memoranda and other forms of communications.
4. Any result derived from any Technical, Financial and Legal evaluations for application for award of contract, revision of work program, transfer of interest, etc. prior to their final approval.

RENEWABLE ENERGY MANAGEMENT BUREAU (REMB)

1. All documents, information, data and reports (raw and/or processed) generated from Pre-Development Stage to the Development Stage, stipulated in the “Confidentiality Section” under the RE Service/Operating Contract, unless with written consent from both Parties, to wit:

Application	Pre-Development	Development
Legal, Technical, Financial Documents	• Work Program • Technical Reports	• Work Plan • Technical/Financial Reports • Pre and Detailed Feasibility Study • Detailed Engineering Design

2. Technical Evaluation Report regarding RE Service Contract Application, Manufacturers/Fabricators Accreditation, Contract Area Amendment and Contract Extension, among others; and
3. Data, information, and other submission by the applicant related to the Open and Competitive Selection Process.
4. Renewable Energy Contracts and Related Documents
 - a. Copy of RE Contract maps and technical descriptions
 - b. Declaration of Commerciality and supporting documents
 - c. Proofs of possessory rights/ Lease agreement between the RE Developers and the Land Owners covering the Area of Interest, Contract Area, Production Area, and Right-of-Ways
 - d. Copies of Renewable Energy Service/Operating Contracts (RES/OCs) and Certificate of Registrations (CORs), unless with written consent from both parties

5. Evaluation Reports and Administrative Records
 - a. Evaluation reports regarding RES/OC/COR applications for own-use/manufacturer's purposes
 - b. Minutes of meetings between RE developers and the Department regarding project development
 - c. Minutes of meetings of the Department regarding RE contract administration
6. Biofuels-Related Information
 - a. Evaluation reports, data, and submissions related to accreditation/ registration of biofuel producers, distributors, and projects
 - b. Copies of biofuel producers/distributors'/projects' Certificate of Accreditation and COR
 - c. Laboratory analysis results of biofuel samples
 - d. Per-producer data from biodiesel/bioethanol manufacturers' reports
7. Confidential Contractual Information
 - a. All information, data, and reports generated during the pre-development to development stages, as stipulated in the "Confidentiality Section" of RE service/operating contracts, unless with written consent from both parties

OIL INDUSTRY MANAGEMENT BUREAU (OIMB)

1. Any per company data is considered confidential in nature per Section 15(g) of RA 8479 and can only be given to officers and employees of appropriate law enforcement agencies with a caveat that such information will be kept as confidential and will be used only for official law enforcement.
2. MEAN OF PLATTS SINGAPORE (MOPS) Price Assessments

MOPS price assessments are subscribed by the DOE from Platts Oilgram. In reverence to the contract signed by the DOE with the service provider, the information could not be shared (or made public) as this will adversely affect Platts' subscription business with their current subscription worldwide.
3. CFAR – Certificate of Fuel Additive Registration

Information showing the specific additive registered to a particular oil company shall not be released.
4. Design of natural gas facilities and pipelines with technology on safety and security incorporated in their designs.
5. Exact location of proposed pipeline route.
6. Any document that will endanger the Health, Safety, Security, Environment (HSSE) Program of natural gas facilities and pipelines.

7. Project detailed feasibility study and business plan (will be available after bid/implementation).
8. All provisions related to the trade, industrial, financial or commercial secrets of the company which are proprietary and confidential in nature.
9. Natural gas statistics per company, such as consumption, importation, and other related information.

ELECTRIC POWER INDUSTRY MANAGEMENT BUREAU (EPIMB)

1. Submitted raw data, privileged communications, and other related documents requested or received by the Department/Section, intended solely for official use.
2. Submitted raw and unprocessed data and other related documents provided by generation companies, including Monthly Operation and Accomplishment Reports.
3. Submitted privileged communications and other related documents concerning coal project approvals, decommissioning, or mothballing applications filed before the DOE.
4. Power Development Plan Base Model and other related documents for the Generation Capacity Expansion Plan.
5. Databases of Management Committee Reports (e.g. Daily Operations Report from the National Grid Corporation of the Philippines or NGCP, excel-based simulation and similar materials)
6. All other information covered by non-disclosure agreements entered into by the Department with other agencies and instrumentalities.
7. Contact information and other related records of government agencies and energy stakeholders, including official mobile numbers, direct lines, and internal email addresses not disclosed in the public domain.
8. Submitted raw data, privileged communications, and other related documents requested or received by the Department/Section, intended solely for official use.
9. Submitted raw and unprocessed data and other related documents provided by power project proponents, submitted through the Energy Virtual One Stop Shop platform.
10. Databases of Management Committee Reports (e.g. Daily Operations Report from NGCP, processed reports from the generation companies and similar materials) and processed information that are not disclosed in the public domain.

11. Contact information and other related records of government agencies and power project proponents, including official mobile numbers, direct lines, and internal email addresses not disclosed in the public domain.
12. All grid users' data that is being provided by NGCP to the DOE are confidential as stipulated in Section 1.4.2.1 of the Philippine Grid Code.
13. All other information covered by non-disclosure agreements entered into by the Department with other agencies and instrumentalities.
14. Submitted reports and other related documents requested by the Department/Section from other agencies, intended solely for official use.
15. Raw database or written information (e.g. Transmission project status report, right-of-way issues, excel-based simulation) and any other related documents which were consolidated for official use and not for public consumption.
16. Power Supply Procurement Plan and Distribution Development Plan (DDP) Excel files submitted by the Distribution Utilities (DUs), including all other attachments of the DDP submissions.
17. Raw database of the Competitive Selection Process and DDP of DUs, including all other attachments of the DDP.
18. Contact information of DUs, such as official mobile numbers and internal email addresses not disclosed in the public domain.
19. Submitted raw data, privileged communications, and other related documents requested or received by the Department/Section, intended solely for official use.
20. Submitted raw and unprocessed data and other related documents provided by generation companies, including Monthly Operation and Accomplishment Reports.
21. Contact information or any related records of DUs, Generation Companies, Government agencies and power project proponents, including official mobile numbers, direct lines, and internal email addresses not disclosed in the public domain.
22. All other information covered by non-disclosure agreements entered by the Department with other agencies and instrumentalities.
23. PSPP and DDP Excel files submitted by the Distribution Utilities (DUs), including all other attachments to the DDP submissions.

24. Raw database of the Competitive Selection Process and DDP of DUs, including all other attachments of the DDP.
25. Submitted raw data, privileged communications, and other related documents requested or received by the Department/Section, intended solely for official use.
26. Submitted raw and unprocessed data and other related documents provided by Microgrid Systems Providers (MGSPs), including Monthly Operation and Accomplishment Reports.
27. Contact information or any related records of Microgrid Systems Providers, DUs, Government agencies and power project proponents, including official mobile numbers, direct lines, and internal email addresses not disclosed in the public domain.
28. All other information covered by non-disclosure agreements entered by the Department with other agencies and instrumentalities.
29. Project Proposal submitted by MGSP proponents during the Competitive Selection Process for MGSP, including all other attachments to the DDP submissions.
30. Raw database of the MGSP Operation Status and Simulations
31. Submitted raw data, privileged communications, and other related documents requested or received by the Department/Section, intended solely for official use.
32. Submitted raw and unprocessed data and other related documents provided by DUs, including Monthly Status of Energization Reports.
33. Contact information or any related records of DUs, Government agencies and power project proponents, including official mobile numbers, direct lines, and internal email addresses not disclosed in the public domain.
34. All other information covered by non-disclosure agreements entered by the Department with other agencies and instrumentalities.
35. Project Proposal, and Pertinent document related to Approval, Agreements, Procurement, Implementation, Completion and Project closeout submitted by DUs relative to the implementation of DOE Locally Funded Project – Total Electrification Project (TEP).
36. LTER Excel files submitted by the Distribution Utilities (DUs), including all other attachments to the LTER submissions.

37. Status of Energization (SOE) Reports and Excel files submitted by the Distribution Utilities (DUs), including all other attachments to the SOE submissions.
38. Raw database of the NTER and LTER of DUs, including all other attachments of the LTER
39. All raw data submitted by the DOE's Stakeholders (Distribution Utilities, Generation Companies, and Retail Electricity Suppliers) from the published Monthly Operational Report Template by the DOE through the DOE Electric Power Database Management System (DEPDMS); and
40. All raw data transmitted by IEMOP through Secure File Transfer Protocol to the DOE under its data sharing agreements.

ENERGY UTILIZATION MANAGEMENT BUREAU (EUMB)

1. All information, data, and reports classified as confidential under applicable laws, including those expressly covered by confidentiality or non-disclosure provisions of contracts, agreements, memoranda of understanding, or similar instruments.
2. All provisions related to the trade, industrial, financial or commercial secrets of the company which are proprietary and confidential in nature.
3. Details of the evaluation procedure, including internal memoranda, draft documents, and other communication forming part of the deliberative or decision-making process.
4. Any result, findings, or conclusions derived from any technical, financial, and legal evaluations conducted for the award of contracts or similar transactions prior to their final approval.

5. Nuclear Security and Physical Protection

Information on physical protection of nuclear facilities and materials, including security systems, access controls, guard deployment, surveillance systems, vulnerability assessments, transport routes, storage locations, and emergency lockdown procedures.

6. Nuclear Safeguards and Proliferation Control

Records on nuclear material inventories, uranium or fuel quantities, enrichment levels, spent fuel data, import and export of nuclear materials, and International Atomic Energy Agency (IAEA) safeguards information.

7. Reactor Design and Engineering

Technical designs, blueprints, reactor core configurations, cooling systems, containment structures, safety system architecture, digital control systems, and detailed plant layouts.

8. Cybersecurity and Digital Control Systems

All information related to nuclear facility networks, reactor control software, cybersecurity measures, system architecture, and operational technology.

9. Emergency and Accident Vulnerability Data

Worst-case accident scenarios, risk models, facility vulnerabilities, sabotage scenarios, and internal disaster simulations. Public safety instructions and evacuation plans may be disclosed, but not vulnerability or weak-point data.

10. Regulatory Inspections and Enforcement

Internal inspection reports, security findings, compliance audits, investigation files, enforcement strategies, and pending regulatory actions. Final compliance status may be disclosed without sensitive details.

11. Commercial and Proprietary Nuclear Information

Trade secrets, vendor reactor designs, fuel supply contracts, proprietary engineering data, confidential cost structures, and bidding documents protected under competition and intellectual property laws.

12. Personnel and Access Information

Identities of nuclear facility staff, security personnel, access privileges, background checks, security clearances, and insider-threat monitoring records.

13. International Nuclear Agreements

Classified treaty annexes, safeguards agreements, fuel supply arrangements, and sensitive diplomatic or security-related nuclear cooperation documents.

14. Radioactive Source Tracking

Locations, quantities, transport schedules, and inventories of radioactive sources used for power generation, research, medicine, or industry.

15. Prospective Site Selection and Evaluation

Information regarding the identification, ranking, and technical assessment of potential locations for future nuclear facilities. This includes preliminary geological and seismic surveys, land acquisition strategies, site-specific vulnerability assessments, strategic infrastructure planning, and environmental suitability studies conducted prior to official public disclosure or final authorization.

ENERGY POLICY AND PLANNING BUREAU (EPPB)

1. Unpublished energy data, whether raw or processed, including data disaggregated by specific company, facility, project, plant, utility, supplier, importer, exporter, or market participant, regardless of form or medium;
2. Energy datasets that have not been officially released, published, aggregated, anonymized, or approved for public disclosure by the DOE; and
3. Commercially sensitive information submitted by energy sector entities to the DOE, including operational, technical, financial, market, pricing, contractual, or performance-related data.

INFORMATION TECHNOLOGY AND MANAGEMENT SERVICES (ITMS)

1. All information, data, and reports classified as confidential under applicable laws, including those expressly covered by confidentiality or non-disclosure provisions of contracts, agreements, or similar instruments.
2. All data generated from exploration and development activities by the contractor whose contracts are still alive.
3. All information, data, records, source code, configurations, logs, reports, and documentation—whether in electronic or physical form—relating to the DOE information and communications technology (ICT) network infrastructure, information systems, applications, and databases, where disclosure would compromise the security, integrity, availability, or confidentiality of government systems, data, or services.
4. Technical, processed, proprietary data (i.e., GIS files, including shapefiles and other geospatial datasets) that are covered by a binder of confidentiality.

FINANCIAL SERVICES (FS)

1. All financial information, data, reports submitted by the service contractors, generation companies, and/or energy resource developers.
2. All provisions related to the trade, industrial, financial, or commercial secrets of the company that are proprietary and confidential in nature.

3. Details of the Evaluation Process and their corresponding internal memoranda and other forms of communication.

ENERGY RESEARCH TESTING AND LABORATORY SERVICES (ERTLS)

1. Sales volume of appliances and lighting products per company.
2. All information, test data, and/or results paid for, provided by, or relating to customers, including proprietary designs, technical specifications, and other commercial or confidential information.
3. All draft reports, preliminary analyses, test methodologies, internal memoranda, proprietary laboratory procedures, and other information forming part of the decision-making or operational process, prior to their completion and final approval.
4. External and internal test data/results paid for by customers and/or provided by customers
5. Proprietary laboratory procedures/manuals and standard reference materials.

LUZON FIELD OFFICE (LFO)

1. Information pertaining to individual companies that is deemed confidential under Section 15(g) of Republic Act No. 8479. Disclosure is limited to duly authorized personnel of competent law enforcement agencies and shall be subject to strict confidentiality and use solely for official enforcement purposes.
2. Records, data, and reports classified as confidential under applicable laws, as well as those covered by confidentiality or non-disclosure clauses in contracts, agreements, memoranda of understanding, or similar arrangements.
3. Information involving trade secrets or industrial, financial, and commercial data of regulated entities that are proprietary in nature and the disclosure of which would prejudice legitimate business interests.
4. Internal documents, including draft issuances, memoranda, working papers, and related communications, that form part of the evaluative, consultative, or decision-making processes of the Department.
5. Unconsolidated or entity-specific information relating to prices, sales volumes, deliveries, purchases, fuel quality testing results, inspection findings, and similar petroleum-related operational data.
6. Orders, rulings, or related documents associated with criminal or administrative cases that are pending resolution.

7. Contact details, including telephone numbers and email addresses, of LPG and Liquid Fuels suppliers or industry participants, Designated Establishments and other energy stakeholders obtained by the DOE under non-disclosure agreements, except where prior consent has been granted for sharing with other government agencies or specified stakeholders.
8. Any other documents, records, or information subject to non-disclosure agreements, confidentiality undertakings, or justified requests for confidential treatment.

VISAYAS FIELD OFFICE (VFO)

1. Detailed engineering drawings, blueprints, or security protocols for powerplants, substations, and transmission lines.
2. Proprietary technology or specialized operational processes shared by private generation companies with the DOE for regulatory oversight but intended to remain trade secrets.
3. Direct contact details, home addresses, or private financial records of individual employees or stakeholders within the power utilities, protected under data privacy regulations.
4. Final and detailed result reports of Energy Audits; PELP monitoring and enforcement, monitoring, and verification (EMV) results; monitoring and on-site inspection reports of Designated Establishments; and accomplished rating sheets resulting from GEMP Spot Checks, as these records contain confidential commercial information, enforcement-sensitive findings, and data subject to validation and regulatory action.
5. Private contact numbers, home addresses, and/or any information personal in nature of officers and employees of entities, establishments and/or companies subjected to EE&C Act and EVIDA rules, regulations and guidelines as protected under data privacy regulations.
6. All requests shall be referred to the Renewable Energy Management Bureau (REMB) for appropriate action, as the information and data required remain under the custody and authority of the REMB.

MINDANAO FIELD OFFICE (MFO)

1. Unconsolidated and/or per specific company/business data on prices, sales, deliveries, purchases, fuel quality test results, and inspection reports of petroleum products.
2. All legal orders with pending criminal or administrative cases.
3. All contact numbers and email addresses of LPG/LF suppliers or players acquired by the DOE under a non-disclosure agreement, except those gathered or acquired

with consent to share with other government institutions or specific clients or consumers.

4. NGCP reports that are tagged as "Confidential" or "Copy of DOE" such as Daily Operations Report, Significant Incident Report, Status of Transmission Projects, and the likes.
5. Copies of Distribution Development Plans of the DUs (except for the one-page summaries being posted at the DOE website).
6. All other relevant documents or information covered with non-disclosure agreements or requests for confidentiality, as applicable.
7. All Mindanao Field Office's details of internal memoranda, administrative and operational documents and other forms of communication.
8. All Mindanao Field Office's details of Personnel Records and Staff Matters.
9. All Mindanao Field Office's financial data and information, reports submitted by the service contractors and companies.
10. All Mindanao Field Office's provisions related to the trade, industrial, financial, or commercial secrets of the company are proprietary and confidential in nature.

CONSUMER WELFARE AND PROMOTIONS OFFICE (CWPO)

1. Individual case/complaints folders of customers.

INVESTMENT PROMOTION OFFICE (IPO)

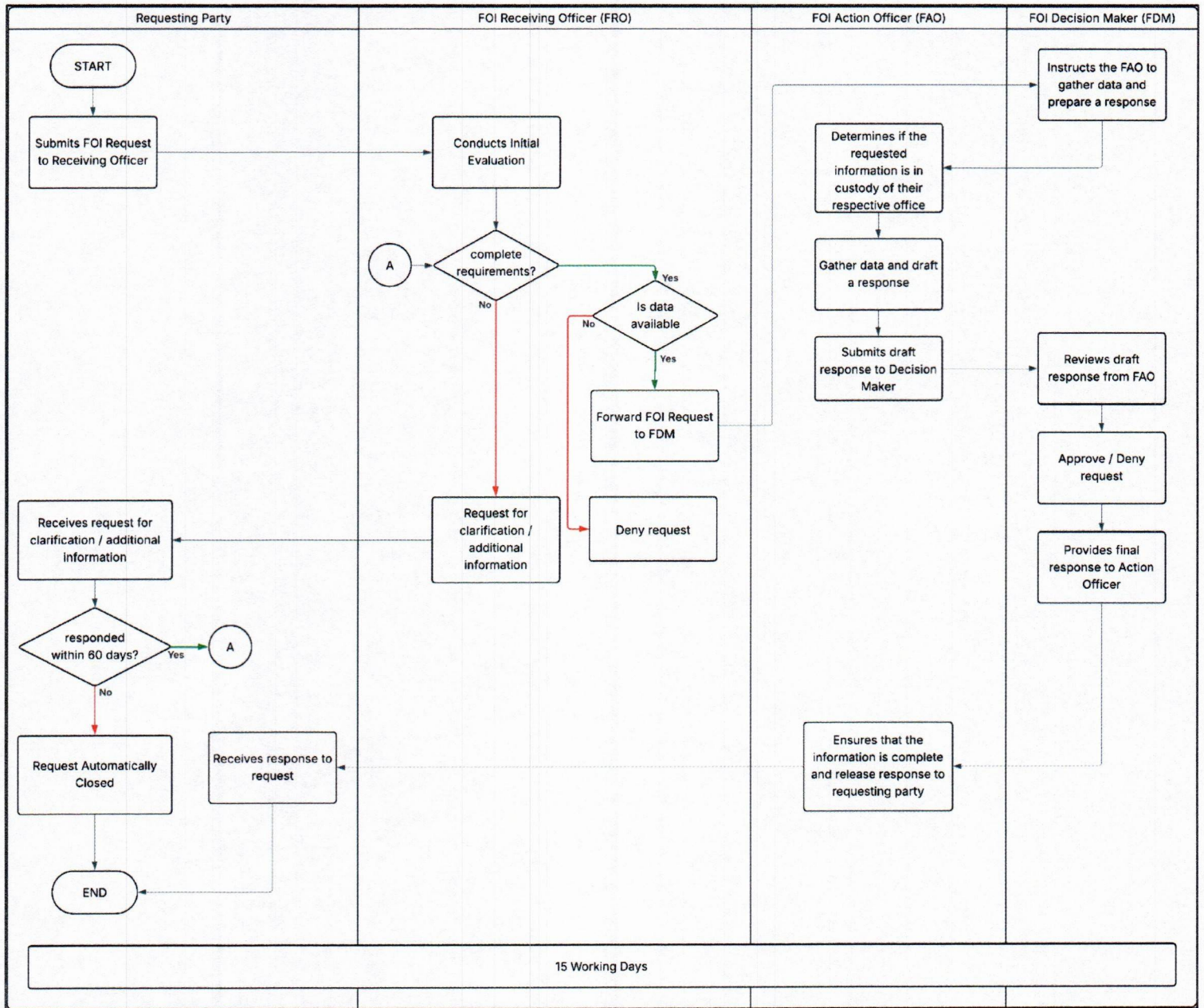
1. All information/data/report covered by the "Confidentiality Clause".
2. All other information protected by Non-Disclosure Agreements (NDA) entered into by the Department with other agencies.
3. All provisions related to the trade, industrial, financial, or commercial secrets of the company that are proprietary and confidential in nature.
4. Details of the evaluation process, including associated internal memoranda and other forms of communication records.

BIDS AND AWARDS COMMITTEE

1. All data, information, reports submitted by bidders;
2. Unless provided by law or order from a competent court or authority, Minutes of BAC Meeting, Post-Qualification Report and other related documents; and
3. All internal memoranda and other forms of communications of the BAC.

ANNEX "D"

FOI Request Flow Chart



ANNEX “E”

FOI REQUEST FORM



FREEDOM OF INFORMATION REQUEST FORM

IMPORTANT – Please read this information carefully before you complete the FOI request form. Once you have completed your request, we **strongly advise** that you keep a copy for your records.

What is Executive Order No.2 s. 2016?

On July 23, 2016, President Rodrigo Roa Duterte signed Executive Order No. 2, also known as the Freedom of Information (FOI) Executive Order (EO). It upholds the constitutional right of people to information on matters of public concern.

The Executive Order covers all government offices under the Executive Branch, including government-owned or -controlled corporations (GOCCs) and state universities and colleges (SUCs). It requires all executive departments, agencies, bureaus, and offices to make public records, contracts, transactions and any information requested by a member of the public, except for sensitive information and matters affecting national security.

What is Freedom of Information?

The FOI EO is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. The FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.

Freedom of Information is an integral element of President Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance.

Who is overseeing the implementation of FOI Executive Order No. 2?

The Presidential Communications Operations Office (PCOO) is overseeing the implementation and operationalization of the FOI program. PCOO is also responsible for monitoring compliance and performance of all government agencies.

MAKING AN FOI REQUEST

Who can make an FOI request?

Under the FOI EO, any Filipino citizen can make an FOI request. As a matter of policy, requesting parties are required to present proof of identification (e.g., passport, driver's license, SSS ID, voters ID) in the submission of an FOI request.

Which agencies can I request information from?

An FOI request can be made to any government office under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or controlled corporations, and state universities and colleges.

What is the procedure for making a valid FOI request?

To make a valid request, you must:

- Place your request in writing. Ensure to state your full name, contact information and provide a valid copy of your government-issued ID as proof of your identity. You can use the attached form or send a letter detailing your request submitted directly to the concerned agency or by email;
- Describe in detail the documents you wish to access; and
- Include the preferred mode of communication in order to be alerted about the status of your request, as well the preferred mode of receiving the documents, should your request be granted.

What information can I request for through FOI?

Information, official records, public records, documents, and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, subject to exceptions necessary to protect essential public or private interest.

Is there an online alternative to making an FOI request?

You may choose to fill out an online application on foi.gov.ph after signing up for an account. You will also need to upload a valid copy of your government-issued ID upon registration.

FEES

How much does it cost to make an FOI request?

There are **NO FEES** for making an FOI request. An agency however, may charge a reasonable fee for necessary costs associated with processing a request - including costs of printing, delivery, reproduction and/or photocopying.

NOTE: Use of this FOI request form is optional. Any written format for a Freedom of Information request is acceptable.

PROCESSING TIMES

When can I expect to receive a response to an FOI request?

Under the FOI EO, the standard processing time is fifteen (15) working days. During this time, you will be contacted regarding your FOI request through your preferred mode of communication.

If your request is granted, you can expect to receive the documents either through regular mail or email, or be requested to collect the documents at the office you had applied to. Otherwise, the agency will explain why your request is delayed or denied.

Can an agency request for a time extension?

In some cases, an agency may need more time to review your request and thereby inform you of an extension of processing period. Under such circumstances, an agency is permitted to extend an additional twenty (20) working days should the need arise.

Can I have my request expedited?

There is no process by which requests can be expedited. All requests will be reviewed equally on a case-by-case basis and allotted the fifteen (15) working day processing period from the time of receipt.

COMPLAINTS HANDLING

What if you are not happy with how the agency has handled your request?

Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure indicated in the Agency FOI Manual; provided that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

The appeal will be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

IMPORTANT INFORMATION

Privacy

Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2.

If the agency gives you access to a document, and if the document contains no personal information about you, the document may be published online in the Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

Copyright

According to Sec. 176.1 of the Intellectual Property Code of the Philippines (RA No. 8293, as amended), No copyright shall subsist in any work of the Government of the Philippines. However, prior approval of the government agency or office wherein the work is created shall be necessary for exploitation of such work for profit. Such agency or office may, among other things, impose as a condition the payment of royalties. No prior approval or conditions shall be required for the use of any purpose of statutes, rules and regulations, and speeches, lectures, sermons, addresses, and dissertations, pronounced, read or rendered in courts of justice, before administrative agencies, in deliberative assemblies and in meetings



FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016)
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◀) denotes a MANDATORY field.

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr, Mrs, Ms, Miss)

2. Given Name/s (including M.I)

3. Surname

4. Complete Address (Apt/House Number, Street, City/Municipality, Province)

5. Landline/Fax

6. Mobile

7. Email

8. Preferred Mode of Communication ☐ Landline ☐ Mobile Number ☐ Email ☐ Postal Address

(If your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply

☐ Email ☐ Fax ☐ Postal Address ☐ Pick-Up at Agency

10. Type of ID Given (Please ensure your IDs contain your photo and signature)

☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voter's ID

☐ School ID ☐ Company ID ☐ Others _____

B. Requested Information

11. Agency - Connecting Agency
(if applicable)

12. Title of Document/Record Requested (Please be as detailed as possible)

13. Date or Period (DD/MM/YY)

14. Purpose

15. Document Type

16. Reference Numbers (if known)

17. Any other Relevant Information

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature

◀ _____

Date Accomplished (DD/MM/YYYY)

◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name)

◀ _____

Agency - Connecting Agency (if applicable, otherwise N/A)

◀ _____

Date entered on eFOI (if applicable, otherwise N/A)

◀ _____

Proof of ID Presented (Photocopies of original should be attached)

☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voter's ID
☐ School ID ☐ Company ID ☐ Others _____

The request is recommended to be:

☐ Approved ☐ Denied

If Denied, please tick the Reason for the Denial

☐ Invalid Request ☐ Incomplete ☐ Data already available online

Second Receiving Officer Assigned (print name)

◀ _____

Decision Maker Assigned to Application (print name)

◀ _____

Decision on Application

☐ Successful ☐ Partially Successful ☐ Denied ☐ Cost

If Denied, please tick the Reason for the Denial

☐ Invalid Request ☐ Incomplete ☐ Data already available online

☐ Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY)

◀ _____

Date Documents (if any) Sent (DD/MM/YYYY)

◀ _____

FOI Registry Accomplished

☐ Yes ☐ No

RO Signature

◀ _____

Date (DD/MM/YYYY)

◀ _____

ANNEX "F"

FOI-MEMORANDUM CIRCULAR NO. 21-05

NO WRONG DOOR POLICY

<Please see attached copy of FOI-MC No. 21-05>



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI-MC No. 21- 05

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

**FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES
AND INSTRUMENTALITIES OF THE EXECUTIVE
BRANCH INCLUDING GOVERNMENT-OWNED AND/OR
CONTROLLED CORPORATIONS (GOCCS), STATE
UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL
WATER DISTRICTS (LWDS)**

**SUBJECT : GUIDELINES ON THE REFERRAL OF REQUESTED
INFORMATION, OFFICIAL RECORD/S AND PUBLIC
RECORD/S TO THE APPROPRIATE GOVERNMENT
AGENCY OTHERWISE KNOWN AS THE "NO WRONG
DOOR POLICY FOR FOI"**

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to Information, and Policy of Full Public Disclosure in the Executive Department;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

WHEREAS, there is a need to break the prevailing "silo system" and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;

NOW, THEREFORE, by virtue of PCOO's mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned:

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request for Information. – Any person who requests for access to information shall comply with Section 9 of EO No. 02, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “**First Referral**” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the **"Second Referral"** and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a **"FOI Internal Messenger"**. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex "A" of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. - A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. - For the convenience of all FROs and FDMs

in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

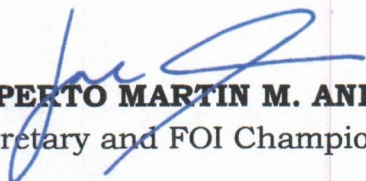
To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

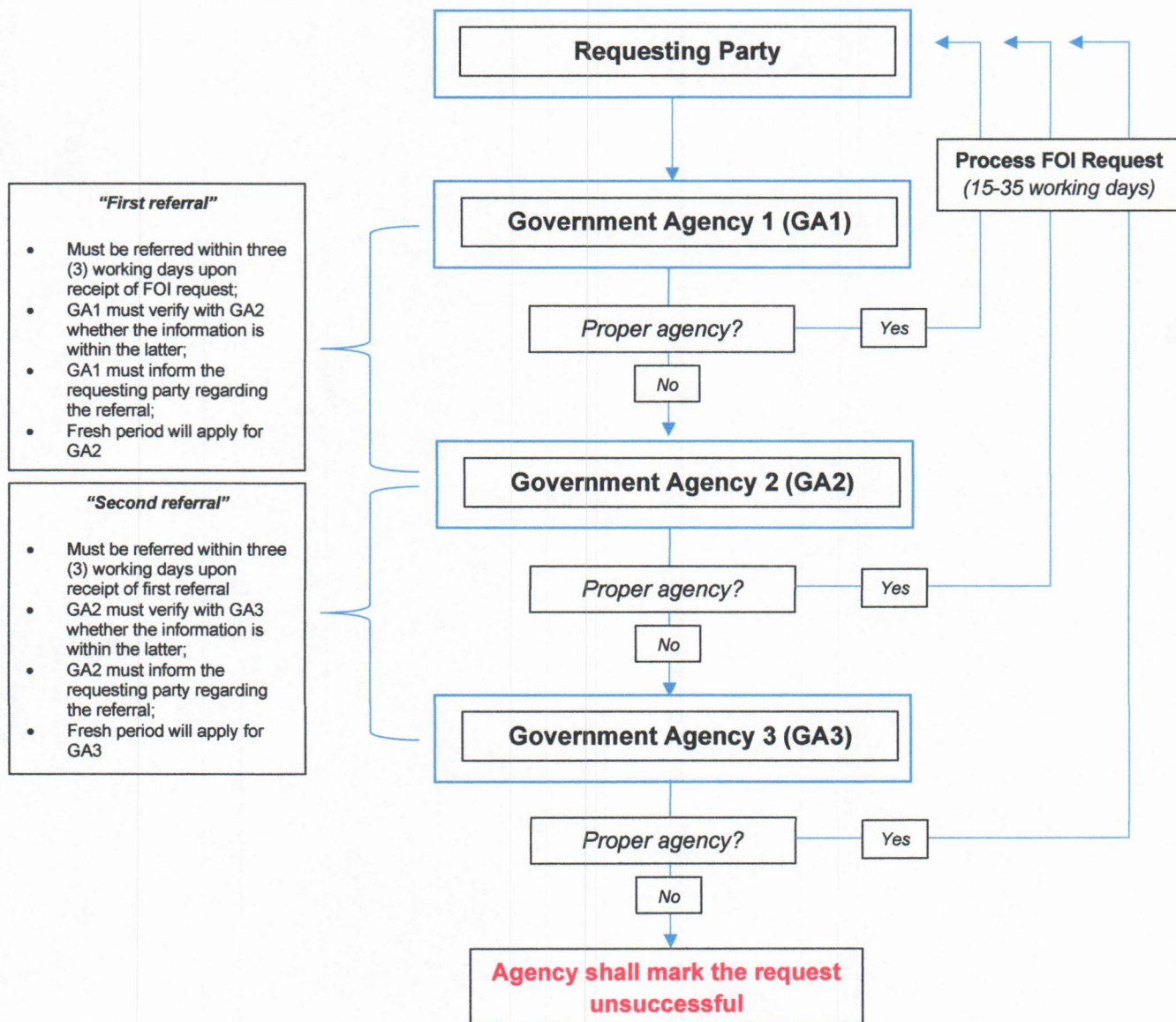
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

Annex A

NO WRONG DOOR POLICY FLOWCHART



NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.